THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 4th August, 2006

W.P.No.15498 of 2005

Between:

A. Subbaraja … Petitioner

ad

The Joint Collector, Cuddapah,
Cuddapah District and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.15498 of 2005

ORAL ORDER:

This Writ Petition is filed being aggrieved by an Order of the 2nd respondent passed in file No.C/310/2005, dated 11-7-2005.

Under the impugned Order, the authorization of the petitioner for fair price shop of the 6th Ward at Sankarapuram and incharge fair price shop dealer of K. Sudhakar Rao, Sankarapuram of Cuddapah Mandal, were suspended pending enquiry under Section 6-A of the Essential Commodities Act,1955 (for short 'the Act'). It seems, the petitioner was originally appointed as a fair price shop dealer of Sankarapuram, Chinnachowk, Cuddapah Mandal. Thereafter, he was also made incharge of 6th Ward of Sankarapuram vlllage, Cuddapah Mandal. However, when he was incharge of 6th Ward of Sankarapuram, Chinnachowk shop, it was found by the officials that he had committed certain irregularities. Therefore, the stocks were seized from his shop and proceedings under Section 6-A of the Act were initiated. In view of the fact that the proceedings under Section 6-A of the Act were initiated against the petitioner for the irregularities committed in the shop of Ward No.6 (incharge) both the authorizations against Sankarapuram Chinnachowk shop as well as the 6th Ward of Sankarapuram were suspended. Aggrieved by the same, the present Writ Petition is filed.

According to the petitioner, simply because the proceedings under Section 6-A of the Act are pending before the Collector, the suspension

of authorization cannot be made. If any irregularities are committed by him, it is always open for the respondents to invoke the provisions of A.P. State Public Distribution System Control Order,2001 and to take appropriate action. Instead of that, the respondents have passed the impugned Proceedings, which is not valid.

Learned Government Pleader for Civil Supplies strenuously contended that though the provisions of Control Order are not invoked for the purpose of suspension of authorization of the petitioner, it is always open for the authorities to take cognizance of the pendency of the proceedings under Section 6-A of the Act against the petitioner and take appropriate action as per law. The proceedings under Section 6-A of the Act being quasi-criminal in nature, the authorities are entitled to take action and suspend the authorization of the petitioner.

Be that as it may, without going into the merits of the case, the authorities are directed to conduct enquiry into the matter as per the Control Orders and then pass appropriate orders as to suspension or cancellation of authorization of the petitioner or drop the proceedings, as the case may be. Till such time, the impugned Order shall not be given effect to and the petitioner shall be permitted to run the fair price shops.

With the above directions, the Writ Petition is disposed of. No order as to costs.

04-8-2006

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